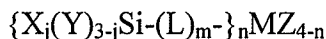


### **REMARKS/ARGUMENTS**

Claims 1-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,495,264 (hereinafter "Hayashi") in view of U.S. Patent No. 6,020,446 (hereinafter "Okamoto").

To establish a *prima facie* case of obviousness there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Additionally, the prior art references must teach or suggest each and every claimed element. Furthermore, the teaching or suggestion to make the claimed invention must be found in the prior art, not in applicant's disclosure. [CITE MPEP] The Office has failed to prove a *prima facie* case of obviousness because the references cited do not teach or suggest each and every claimed element nor demonstrate any suggestion to modify or combine the prior art in the manner suggested by the Office.

The present claims recite a composition comprising a condensation product obtained by hydrolysis and condensation in the presence of a basic catalyst, of one or more silane compounds represented by formula (1) and one or more crosslinking agents according to formula (2):



wherein n is either 3 or 4. Accordingly, the crosslinking agents of the claimed invention include either 3 or 4 Si atoms.

Hayashi is directed to providing a composition for film formation which can give an interlayer insulating film excellent dielectric constant characteristics. Specifically, Hayashi is directed to a composition including (A) a product formed from the hydrolyzate of compounds selected from the group consisting of (1)  $R_aSi(OR^1)_{4-a}$ , (2)  $Si(OR^2)_4$  and (3)  $R^3_b(R^4O)_{3-b}Si-(R^7)_d-Si(OR^5)_{3-c}R^6_c$  and an organic solvent. Accordingly, Hayashi teaches the use of conventional crosslinking agents, wherein the strength of any resultant film is limited because one molecule of the crosslinking agent has at most only two functional Si atoms which can crosslink the polymers produced by the hydrolysis and condensation. Comparison Example 2 of the present application

clearly exemplifies this reality by showing the inferior modulus of elasticity when using 2-bis(trimethoxysilyl)ethane as a crosslinking agent.

At no point does Hayashi discuss crosslinking agents having either 3 or 4 Si atoms. Furthermore, Hayashi does not discuss the need or desirability of utilizing crosslinking agents with additional functional Si atoms. As evident by this lack of discussion, Hayashi clearly does not contemplate the benefit of incorporating a crosslinking agent with 3 or 4 functional Si atoms. As such, Hayashi does not teach or suggest the use of crosslinking agents with 3 or 4 functional Si atoms as recited in the present claims. Accordingly, Hayashi would not motivate one skilled in the art to use crosslinking agents with 3 or 4 functional Si atoms.

Okamoto is directed to addressing the deficiencies in sealants to be used around or in contact with glass by providing a curable composition with a markedly improved weather-resistant adhesive property. See Column 1, lines 55-61. More specifically, Okamoto is directed to a curable composition including a saturated hydrocarbon polymer with at least one reactive silyl group (component A), a silane coupling agent (component B) and a compound containing an unsaturated group capable of polymerizing upon reaction with atmospheric oxygen and/or a photopolymerizing substance (component C). See column 1, line 64 through column 2, line 3.

Okamoto also fails to explicitly or implicitly teach or suggest using crosslinking agents with 3 or 4 functional Si atoms. Instead, Okamoto teaches crosslinking agents having two or three alkoxy groups on a single Si atom. See examples provided on column 7. Like Hayashi, Okamoto does not discuss the desirability of utilizing crosslinking agents with additional functional Si atoms. In fact, Okamoto directs one skilled in the art to focus on utilizing a compound containing an unsaturated group capable of polymerizing upon reaction with atmospheric oxygen and/or a photopolymerizing substance; namely component (C). At column 10, lines 21-26, Okamoto teaches:

The compound containing, within the molecule thereof, an unsaturated group capable of polymerizing upon reaction with atmospheric oxygen and/or the photopolymerizing substance, when used in the composition of the present invention, can markedly improve the weathering-resistant adhesive property of the curable composition ...;

and at column 10, lines 37-44:

The curable composition of the present invention, which contains component (A) and component (C) undergoes curing of component (C) under the action of oxygen and/or light and, as a result, shows excellent adhesive property and weathering-resistant adhesive property against substrates as compared with the corresponding curable composition lacking in component (C). This characteristic is exhibited even when the composition does not contain any component (B).

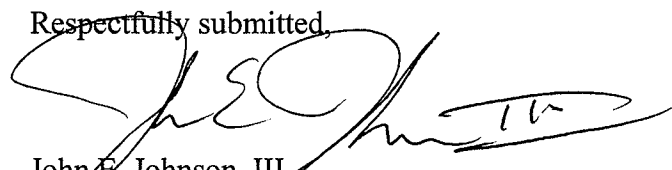
As evident by the passages reproduced from column 10, Okamoto, like Hayashi, clearly does not provide any teaching or suggestion to utilize crosslinking agents including 3 or 4 Si atoms. Therefore, Okamoto does not cure the deficiencies of the teachings of Hayashi and the claims are not obvious in view of the combination of Hayashi and Okamoto.

Since both Hayashi and Okamoto fail to teach or suggest the claimed crosslinking agents, the combination of these references also fails to teach or suggest the crosslinking agents recited in the claims. Therefore, it is respectfully submitted that the rejections of Claims 1-10 under 35 U.S.C. §103 (a) be withdrawn.

In view of the remarks above, Applicants submit that the pending claims are in condition for allowance. Applicants respectfully request that the claims be allowed to issue. If the Examiner wishes to discuss the application or the comments herein, the Examiner is urged to contact the undersigned by telephone.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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